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20 UNITED STATES DISTRICT COURT

21 SOUTHERN DISTRICT OF CALIFORNIA

22 MOBILE COMMERCE FRAMEWORK,
23 INC.,

24 Plaintiff,

25 v.

26 FOURSQUARE LABS, INC.,

27 Defendant.

Case No. 11-cv-0481 BEN (BLM)

**JOINT CLAIM CONSTRUCTION
CHART, WORKSHEET, AND
HEARING STATEMENT
PURSUANT TO PATENT L.R. 4.2
FOR U.S. PATENT NO. 7,693,752**

1 Pursuant to Patent Local Rule 4.2, Plaintiff Mobile Commerce Framework, Inc.
2 (“MCF”) and Defendant Foursquare Labs, Inc. (“Foursquare”) hereby submit the
3 following Joint Claim Construction Chart, Worksheet and Hearing Statement regarding
4 U.S. Patent No. 7,693,752 (the “752 patent”).

5 **I. Joint Claim Construction Charts**

6 The parties’ Joint Claim Construction Chart containing each party’s respective
7 proposed constructions of each disputed claim term, phrase, or clause, together with an
8 identification of all references from the specification or prosecution history that support
9 those constructions, and an identification of any extrinsic evidence on which each party
10 intends to rely either to support its proposed constructions or to oppose the other party’s
11 proposed constructions of the claims (including dictionary definitions, citations to learned
12 treatises, and prior art, and testimony of percipient and expert witnesses), is attached as
13 Exhibit A. The parties have not identified any terms or claim elements that should be
14 governed by 35 U.S.C. § 112(6). Both parties reserve the right to supplement or amend
15 their proposed claim constructions and identified evidence contained herein in light of
16 ongoing discovery.

17 **II. Joint Claim Construction Worksheets**

18 The parties’ Joint Claim Construction Worksheet setting forth the proposed
19 constructions to which the parties agree, as well as those in dispute, is attached as Exhibit
20 B.

21 **III. Joint Hearing Statement**

22 The parties anticipate that the claim construction hearing will require 2-3 hours.
23 Each side requests an allocation of one-half of the total time to use as they see fit between
24 direct presentation, rebuttal, and responding to the Court’s questions. If the Court would
25 like a tutorial either in advance of the claim construction hearing or at the same time as the
26 claim construction hearing, the parties propose that each side be allocated up to an
27 additional 45 minutes. Both sides believe a tutorial may be beneficial to provide
28

1 background and context for the claim construction issues being presented. Neither party
2 plans to call any witnesses at the hearing.

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4 DATED: October 31, 2011

5 X-PATENTS, APC

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7 By s/Jonathan Hangartner
JONATHAN HANGARTNER

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9 Attorneys for Plaintiff Mobile Commerce
Framework, Inc.

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12 DATED: October 31, 2011

13 LANDO & ANSTASI, LLP

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15 By s/Craig R. Smith
CRAIG R. SMITH
16 Attorneys for Defendant Foursquare Labs, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 31, 2011 to all counsel who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

s/Jonathan Hangartner
Jonathan Hangartner